

**Texas Board of Physical Therapy Examiners**

**Board Meeting  
Videoconference**

**January 27, 2023  
9:00 am**

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**Members Present:** Harvey Aikman, PT, DPT, Chair  
Liesl Olson, PT, Vice Chair  
Kate Roby, PT, DPT, Secretary  
Manuel "Tony" Domenech, PT, DPT  
Melissa Skillern, PT, DPT  
Omar Palomin, PT, DPT  
Glenda Clausell, Public Member  
Donivan Hodge, Public Member  
Jacob Delgado, Public Member

**Legal Counsel:** Rosalind Hunt, Assistant Attorney General

**Staff:** Ralph Harper, Executive Director  
Karen Gordon, PT Coordinator  
Randall Glines, Staff Services Officer  
Amy Carter, Director of Enforcement  
Don Meshell, Investigator  
Cynthia Welch, Investigator  
Priscilla Sillero, Investigator

**Guests:** Sara Hays, Advisor, Budget & Policy Division – Office of the Governor  
Craig Tounget, ED - Texas Physical Therapy Association (TPTA)  
Lindsey Green, TPTA Communications Director  
Kristi Trammell, TPTA Liaison

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The meeting of the Texas Board of Physical Therapy Examiners was held by videoconference call pursuant to Texas Government Code § 551.127.

1. Call to order
2. Roll call for members
3. Excusing board member absences.
4. Public comment
5. Minutes from the October 14, 2022 meeting
6. Final adoption of the following rule amendments:
  - A. §337.2. Consumer Information Sign
  - B. §322.4. Practicing in a Manner Detrimental to the Public Health and Welfare.
7. Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing projects, agency personnel matters, legislative session, and other agency business
8. Investigation Committee Report concerning:
  - A. Agreed Orders for case #s: 22552, 22562, 22590, 22603, 22632, 22633, 22636, 22640, 22649, 22652, 22667, 22679, 22680, 22704, 22713, 22726, 22727, 22731, 22735, 22736, 22738, 22739, 22740, 22741, 22742, 22743, 22744, 22745, 22749, 22752, 22753, 22755, 22756, 22757, 22758, 23010, 23022, 23023, 23031, 23032, 23040, 23043, 23047, 23049, 23053, 23054, 23055, 23057, 23062, 23093, 23098, 23132, 23133, 23134, 23141, 23143, 23144, and 23145
  - B. Number of cases reviewed, Agreed Orders issued, and other investigative matters discussed during the Investigation Committee Meeting of December 12, 2022

- 1 C. Performance measures, on-site investigation visits, school presentations, and other  
2 investigative activities that have occurred between this meeting and the Board's last  
3 meeting  
4 9. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program  
5 (CCAP) report  
6 10. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)  
7 11. Requests for review of educational equivalency from foreign-educated applicants  
8 12. Early Childhood Intervention (ECI) Work Group  
9 13. Federation of State Boards of Physical Therapy (FSBPT) Assembly Meeting, October 24, 2022  
10 and Annual Meeting, October 27 – 29, 2022 in Orange County, CA  
11 14. Memorandum of Understanding for the Continuing Competence Approval Program  
12 15. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing  
13 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX  
14 Jurisprudence Assessment Module statistics, PT Compact statistics, and other events  
15 concerning the practice of physical therapy.  
16 16. Board Chair's report concerning meetings attended since last Board meeting, correspondence  
17 received on behalf of the Board, and other events concerning the practice of physical therapy.  
18 17. Long-term planning for future meetings, including future meeting dates and agenda items  
19 18. Adjournment  
20
- 

21  
22 **1. Call to order**

23  
24 Dr. Aikman as the presiding Board Member called the meeting to order at 9:01 a.m.  
25

26 **2. Roll call for members**

27  
28 Dr. Aikman called roll and determined that a quorum existed.  
29

30 **3. Excusing Board member absences**

31  
32 Board member Jacob Delgado was not present.  
33

34 Motion: To excuse the absence of the Board member listed above.

35 Made by: Liesl Olson

36 Second: Kate Roby

37 Motion passed unanimously.  
38

39 Note: Jacob Delgado joined the meeting at 9:28 am.  
40

41 **4. Public Comment**

42  
43 There was no public comment.  
44

45 **5. Minutes from the October 14, 2022 meeting**

46  
47 Motion: To approve the minutes as submitted.

48 Made by: Tony Domenech

49 Second: Kate Roby

50 Motion passed unanimously.  
51

52 **6. Final adoption of the following rule amendments:**

53 **A. §337.2. Consumer Information Sign**

54  
55 Motion: To approve final adoption of §337.2. Consumer Information Sign.

56 Made by: Glenda Clausell

57 Second: Liesl Olson

1 Motion passed unanimously.

2  
3 **B. §322.4. Practicing in a Manner Detrimental to the Public Health and Welfare.**

4  
5 Motion: To approve final adoption of §322.4. Practicing in a Manner Detrimental to  
6 the Public Health and Welfare.

7 Made by: Donivan Hodge

8 Second: Liesl Olson

9 Motion passed unanimously.

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11 **7. Executive Director's Report concerning fiscal and budgetary matters, performance**  
12 **measures, ongoing projects, agency personnel matters, legislative session, and other**  
13 **agency business.**

14  
15 Mr. Harper gave the Executive Director's Report that included the following:

- 16 • 83<sup>rd</sup> Legislature in session with HB 1 and SB 1 proposing pay raises for state employees;
- 17 • Personal Financial Statements (PFS) must be filed by Board members with the Texas Ethics
- 18 Commission (TEC) by April 30, 2023;
- 19 • Agency has three (3) positions posted, two (2) in Licensing and one (1) in Accounting;
- 20 • Financial Reports for FY 2023 through December 2022; and
- 21 • Performance Measures for 1<sup>st</sup> Quarter FY 2023.

22  
23 **8. Investigation Committee Report concerning:**

24  
25 **A. Agreed Orders for case #s:** 22552, 22562, 22590, 22603, 22632, 22633, 22636, 22640,  
26 22649, 22652, 22667, 22679, 22680, 22704, 22713, 22726, 22727, 22731, 22735, 22736,  
27 22738, 22739, 22740, 22741, 22742, 22743, 22744, 22745, 22749, 22752, 22753, 22755,  
28 22756, 22757, 22758, 23010, 23022, 23023, 23031, 23032, 23040, 23043, 23047, 23049,  
29 23053, 23054, 23055, 23057, 23062, 23093, 23098, 23132, 23133, 23134, 23141, 23143,  
30 23144, and 23145

31  
32 The Board voted to ratify the following Agreed Orders:

33  
34 22552, 22562, 22590, 22603, 22632, 22633, 22636, 22649, 22652, 22667, 22679, 22680,  
35 22704, 22713, 22726, 22727, 22731, 22735, 22736, 22738, 22740, 22741, 22742, 22743,  
36 22744, 22745, 22752, 22753, 22755, 22756, 22757, 22758, 23010, 23022, 23023, 23031,  
37 23032, 23040, 23043, 23047, 23049, 23053, 23054, 23055, 23057, 23062, 23093, 23098,  
38 23132, 23133, 23134, 23141, 23143, 23144, and 23145

39  
40  
41 **B. Number of cases reviewed, Agreed Orders issued, and other investigative matters**  
42 **discussed during the Investigation Committee Meeting December 12, 2022.**

43  
44 Ms. Carter reported that the Committee reviewed 225 cases, held five (5) informal conferences, and  
45 issued fifty-eight (58) Agreed Orders with fifty-five (55) being accepted and three (3) requesting an  
46 informal conference.

47  
48 **C. Performance measures, on-site investigation visits, school presentations, and other**  
49 **investigative activities that have occurred between this meeting and the Board's last**  
50 **meeting**

51  
52 Ms. Carter reported on performance measures, on-site investigation visits and school presentations  
53 since the last meeting.

54  
55 **9. Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program**  
56 **(CCAP) report**

Dr. Domenech reported on the CCAP report as submitted by TPTA. There was no questions or discussion.

Dr. Domenech reported that TPTA had submitted their application for reaccreditation as an Accredited Provider for continuing competence approval. The Board reviewed the application with no questions or discussion.

Motion: To approve TPTA reaccreditation as an Accredited Provider.  
Made by: Tony Domenech  
Second: Melissa Skillern

*Motion passed unanimously.*

#### **10. Request(s) for appeal to re-take the National Physical the National Physical Therapy Examination (NPTE)**

Dr. Domenech reported on a request for appeal to retake the NPTE.

Motion: To appeal to FSBPT for an additional attempt to re-take the NPTE.  
Made by: Tony Domenech  
Second: Kate Roby

*Motion passed unanimously.*

#### **11. Requests for review of educational equivalency from foreign-educated applicants**

Dr. Domenech reported on two (2) requests for review of educational evaluations from applicants by endorsement.

Motion: To recommend that the education of applicant by endorsement #1 be deemed substantially equivalent.  
Made by: Tony Domenech  
Second: Jacob Delgado

*Motion passed unanimously.*

Motion: To recommend that the education of applicant by endorsement #2 be deemed substantially equivalent.  
Made by: Tony Domenech  
Second: Kate Roby

*Motion passed unanimously.*

#### **12. Early Childhood Intervention (ECI) Work Group**

Dr. Skillern reported that the ECI Work Group continues to meet and work on updating the PT Rules/ECI Crosswalk.

#### **13. Federation of State Boards of Physical Therapy (FSBPT) Assembly Meeting, October 24, 2022, and Annual Meeting, October 27 – 29, 2022 in Orange County, CA**

Liesl Olson reported on the election of officers for FSBPT, the presentation of awards with Texas receiving the Excellence in Regulation Award, and that Texas was well represented as presenters at the meeting.

#### **14. Memorandum of Understanding for the Continuing Competence Approval Program**

Dr. Aikman reported that a Memorandum of Understanding had been executed between TPTA and the PT Board for the administration of the Continuing Competence Approval Program pursuant to the Request for Proposal.

1 **15. Board Coordinator's report concerning meetings attended since last Board meeting,**  
2 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**  
3 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**  
4 **other events concerning the practice of physical therapy.**

5  
6 Ms. Gordon reported on the following:

- 7 • Meetings/webinars/school presentation since the last Board meeting;
- 8 • Participation in the FSBPT Application Programming Interface (API) pilot project;
- 9 • Total number of PTs, PTAs as of 12/31/2022;
- 10 • NPTE Pass/Fail statistics for October 2022 and PTA for January 2023;
- 11 • PT Compact Status and Compact Privileges statistics for 2022;
- 12 • Continuing Competence Quarterly Audit stats;
- 13 • TX JAM statistics for 4th Quarter of 2022;
- 14 • Legislative Bills Monitoring; and
- 15 • FSBPT Exam, Licensure, & Disciplinary Database (ELDD) Consumer Protection Rating (CPR)

16  
17 **16. Board Chair's report concerning meetings attended since last Board meeting,**  
18 **correspondence received on behalf of the Board, and other events concerning the**  
19 **practice of physical therapy.**

20  
21 Dr. Aikman reported on the PT Compact meeting October 30, 2022 with the highlight being that  
22 FSBPT is forgiving the Compact's debt. He also reported that there were some bylaw changes and  
23 changes in the terms of officers. He thanked staff and Rosalind Hunt, legal counsel for all of the  
24 support they give to the PT Board.

25A  
26 **17. Long-term planning for future meetings, including future meeting dates and agenda**  
27 **items**

28  
29 The Board's next meetings were scheduled for April 21, 2023, July 21, 2023, and October 13, 2023.

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31 **18. Adjournment**

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33 Motion: To adjourn the meeting.  
34 Made by: Kate Roby  
35 Second: Melissa Skillern

36 *Motion passed unanimously.*

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38 Dr. Aikman adjourned the meeting at 10:36 a.m.

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40 **Date reviewed by the Board:** April 21, 2023

41 **Action taken by the Board:** Approved as submitted